

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

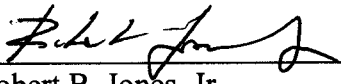
NO. 7:13-CR-43-FL-1

UNITED STATES OF AMERICA,)	
)	
v.)	
)	<u>ORDER</u>
CLIFTON KELLY LOCKLEAR,)	
)	
Defendant.)	

This case came before the court today for a hearing on the competency of Defendant Clifton Kelly Locklear ("Defendant") to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4241 & 4247(d). At the hearing the government was represented by Assistant United States Attorney William M. Gilmore and Defendant, who was present in the courtroom, was represented by Katherine E. Shea, an attorney with the Office of the Federal Public Defender. The court advised Defendant of his rights under 18 U.S.C. § 4247(d). The government then offered into evidence the Forensic Evaluation dated September 27, 2013, and filed October 2, 2013 [DE-22], which was prepared by Heather H. Ross, Ph.D. at the Federal Correctional Institution-Butner, pursuant to an order entered July 30, 2013. [DE-20]. The Forensic Evaluation determined Defendant to be suffering from a mental illness, but concluded that despite his mental illness Defendant is able to understand the nature and consequences of the proceedings against him and assist properly in his defense. The court admitted the Forensic Evaluation into evidence without objection. The government offered no further evidence. Defendant offered no evidence and did not contest the findings and conclusions of the Forensic Evaluation.

After consideration of the positions of the parties and the Forensic Evaluation, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4241(d), that defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 12th day of November 2013.



Robert B. Jones, Jr.
United States Magistrate Judge